

Republic of the Philippines  
Department of Labor and Employment  
National Wages and Productivity Commission  
**REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD**  
Region VII, Central Visayas

**WAGE ORDER NO. ROVII-10**  
**ESTABLISHING NEW MINIMUM WAGE RATES**

**WHEREAS**, on April 16, 2004, the Associated Labor Union - Trade Union Congress of the Philippines (ALU-TUCP), thru its President, filed in this office a petition for a FIFTY PESOS (P 50.00) across-the-board increase in the minimum wage for the Region;

**WHEREAS**, on June 28, 2004, the Alliance of Progressive Labor (APL), thru its Chairperson for the Visayas, filed before this office a separate petition for a SIXTY-FIVE PESOS (P 65.00) increase in the minimum wage for the Region;

**WHEREAS**, in response thereto and after the publication of one of the petitions on May1, 2004 the Board subsequently conducted public hearings as follows: May 20, 2004, Tagbilaran City, Bohol; May 27, 2004, Siquijor, Siquijor; June 3, 2004, Dumaguete City, Negros Oriental; June 17, 2004, Car-Car, Cebu; and July 1, 2004, Cebu City;

**WHEREAS**, the Board recognizes the need to adjust the minimum wage of workers consistent with the criteria set forth by law;

Now, Therefore by virtue of the power and authority vested under Republic Act No. 6727, otherwise known as the Wage Rationalization Act, the Regional Tripartite Wages and Productivity Board, Region VII, hereby issues this Wage Order:

**Section 1. AMOUNT AND EFFECTIVITY OF INCREASE.** Upon the effectivity of this Order, the daily minimum wage rates for all the workers and employees in the private sector shall be increased by Eight Pesos (P8.00) per day for all categories in all sectors.

**Section 2. APPLICATION TO SUGAR INDUSTRY.** The prescribed minimum wage rates upon effectivity of this order for Agriculture (Sugar) and Sugar Mills shall be increased by Eight Pesos (P 8.00).

**Section 3. COVERAGE.** The adjustments prescribed under this Order shall apply to all workers and employees whether agricultural or non-agricultural entitled to the same in the private sector. Not covered from the provision of this order are household or domestic helpers, persons employed in the personal service of another, including family drivers; and workers in Barangay Micro Business Enterprises with Certificates of Authority pursuant to Republic Act 9178.

**Section 4. BASIS OF MINIMUM WAGE.** The minimum wage rates prescribed under this Order shall be for the normal working hours, which shall not exceed eight (8) hours work a day.

**Section 5. WORKERS PAID BY RESULTS.** All workers paid by results, including those who are paid on piecework, "takay" or task basis, shall be entitled to receive the prescribed minimum wage increase per eight (8) hours work a day, or a proportion thereof for working less than eight (8) hours.

**Section 6. WAGES OF SPECIAL GROUPS OF WORKERS.** Wages of apprentices and learners shall in no case be less than seventy-five percent (75%) of the applicable minimum wage rates prescribed in this Order.

All recognized learnership and apprenticeship agreements entered into before the effectivity of this Order shall be considered automatically modified insofar as their wage clauses are concerned to reflect the new prescribed wage rates.

**Section 7. APPLICATION TO PRIVATE EDUCATIONAL INSTITUTIONS.** The increase in minimum wage rates prescribed under this Order shall fully apply to all workers and employees in private educational institutions effective School Year 2005 - 2006.

**Section 8. APPLICATION TO CONTRACTORS.** In the case of contracts for construction projects and for security, janitorial and similar services, the prescribed increases in the wage

rates of the workers shall be borne by the principals or clients of the construction/service contractors, and the contract shall be deemed amended accordingly. In the event, however, that the principal or client fails to pay the prescribed increase or new minimum wage rates, the construction/service contractor shall be jointly and severally liable with his principal or client.

**Section 9. EXEMPTION.** No exemption from compliance with this Wage Order shall be allowed.

**Section 10. APPEAL TO THE COMMISSION.** Any party aggrieved by this Wage Order may file a verified appeal with the Commission through the Board within ten (10) calendar days from the publication of this Order.

**Section 11. EFFECT OF FILING AN APPEAL.** The filing of the appeal does not operate to stay the Order unless the party appealing such Order shall file with the Commission an undertaking with a surety or sureties satisfactory to the Commission for payment of the corresponding increase to employees affected by the Order in the event such Order is affirmed.

**Section 12. EFFECTS ON EXISTING WAGE STRUCTURE.** Where the application of the increases in the wage rates under this Order results in distortion of the wage structure within an establishment, the same shall be corrected in accordance with the procedure provided for under Art. 124 of the Labor Code as amended.

**Section 13. COMPLAINTS FOR NON-COMPLIANCE.** Complaints for non-compliance with this Order shall be filed with the Regional Office of the Department of Labor and Employment (DOLE) and shall be the subject of enforcement proceedings under Article 128 of the Labor Code, as amended, without prejudice to criminal prosecution, which may be undertaken against those who fail to comply.

**Section 14. NON-DIMINUTION OF BENEFITS.** Nothing in this Order shall be construed to reduce any existing wage rates, allowances and benefits of any form under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between the workers and employers.

**Section 15. PENAL PROVISION.** Any person, corporation, trust or firm, partnership, association or entity which refuses or fails to pay the prescribed wage increase/allowance/rates in accordance with this Order shall be subject to the penal provisions under RA 6727, as amended by RA 8188.

**Section 16. PROHIBITION AGAINST INJUNCTION.** No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal or other entity against any proceedings before the Board.

**Section 17. FREEDOM TO BARGAIN.** This Order shall not be construed to prevent workers in particular firms or enterprises of industries from bargaining for higher wages with their respective employers.

**Section 18. REPORTING REQUIREMENT.** Any person, company, corporation, partnership or any entity engaged in business shall submit a verified itemized listing of their labor component to the Board not later than January 31, 2005 and every year thereafter in accordance with the form prescribed by the Commission.

**Section 19. REPEALING CLAUSE.** All laws, orders, issuances, rules and regulations, or parts thereof inconsistent with the provision of this Wage Order are hereby repealed, amended or modified accordingly.

**Section 20. SEPARABILITY CLAUSE.** If, for any reason, any section or provision of this Order is declared unconstitutional or illegal, the other provisions or parts shall remain valid.

**Section 21. IMPLEMENTING RULES.** The Board shall prepare the necessary rules to implement this Order subject to approval of the Secretary of Labor and Employment.

**Section 22. EFFECTIVITY.** This Order shall take effect fifteen (15) days after its publication from the newspaper of general circulation in the region.

CEBU CITY, PHILIPPINES, July 21, 2004.

**APPROVED:**

**(SGD.) HIDELITO S. PASCUAL**  
Member, Employer's Representative

**(SGD.) MARIANITO B. VENTURA**  
Member, Labor Representative

**(SGD.) CHARLES M. STREEGAN**  
Member, Employer Representative

**(SGD.) FERDINAND A. PEPITO**  
Member, Labor Representative

**(SGD.) ROMEO C. ESCANDOR**  
Vice Chairperson

**(SGD.) ASTERIA C. CABERTE**  
Vice Chairperson

**(SGD.) RODOLFO M. SABULAO**  
Chairperson